

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20633 of 2020

Arising Out of PS. Case No.-756 Year-2019 Thana- KHAGARIA District- Khagaria

Bablu Kumar Son of Bansh Lal Yadav Resident of Village - Baluahi, Ward
No. 26, P.S.- Khagaria, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted

through virtual mode.

Since the physical court proceeding is non-
functional due to the present pandemic COVID-19, the
matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects within
undertaken period, the office shall place the matter
before the bench.

Heard learned counsel for the petitioner and
learned counsel for the State.



The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act.

The prosecution case as per the written report of Raushan Kumar submitted to the SHO, Khagaria Police Station is to the effect that on 11.10.2019 at 7:00 P.M. the informant was returning from the birthday party of his cousin Abhinit Raj but on the way, four FIR named accused persons including the petitioner and five unknown persons intercepted the motorcycle of the informant and started assaulting him. They also resorted to fire, but it did not hit anyone. It is alleged that co-accused Nilesh Kumar assaulted with iron rod on the head of the informant causing cut injury. It is also alleged that petitioner Bablu Kumar assaulted with the butt of the pistol on the right hand of the informant whereas co-accused Ratun assaulted with iron rod on the left leg. Thereafter all the accused persons made assault



to the informant.

It is submitted by learned counsel for the petitioner that petitioner has been roped in the present case due to enmity. The impugned order suggests that only one injury, simple in nature on the head of the informant has been found. No injury on the hand of the informant has been found whereas the petitioner alleged to have caused injury on the right hand of the informant.

A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Learned A.P.P. submits that though petitioner alleged to have made assault on the right hand causing injury but no injury has been found on the right hand.

Considering the fact that accusation has not been corroborated by the medical opinion and the petitioner is having clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks, be



released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 756 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria



(Chitragupta Nagar) P.S. Case No. 756 of 2019

including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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